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13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 FIRST AMERICAN TITLE INSURANCE
CO., a Nebraska corporation, as successor in
16 interest to Nevada Title Company,

17 Plaintiff,

18 v.

19 ACE AMERICAN INSURANCE COMPANY,
a Pennsylvania corporation,

20 Defendant.
21

22 AND RELATED COUNTERCLAIM
23

Case No. 2:18-cv-01823-GMN-VCF

**PARTIES' STIPULATION
TO AMEND THE DISCOVERY PLAN
AND SCHEDULING ORDER
[TENTH REQUEST]**

24 Plaintiff and Counter-Defendant FIRST AMERICAN TITLE INSURANCE CO., ("Plaintiff"
25 or "FATICO") as successor in interest to Nevada Title Company, by its counsel, Steven J. Parsons of
26 LAW OFFICES OF STEVEN J. PARSONS and Defendant and Counterclaimant ACE AMERICAN
27 INSURANCE COMPANY, ("Defendant" or ACE") by its attorneys Michael W. Melendez and Teri
28 Mae Rutledge of KENNEDYS CMK LLP hereby move the court to extend the period for completion

1 of the remaining expert deposition discovery. NTC has designated Professor Jeffrey Stempel and Mr.
2 Ty Sagalow. ACE has designated Mr. Bernrd Heinze, Ms. Lydia Kam-Lyew, and Mr. Marc Brooks.
3 The expert witnesses are referred to herein by their last names.

4 The Parties agreed and propose an expert discovery deadline, in anticipation of the Court's
5 consideration of the parties' request that a renewed Discovery Plan and Scheduling Order ("DPSO")
6 be entered by the Court as to this one remaining pretrial discovery deadline.

7 The parties propose that Expert Discovery Cut-Off be October 27, 2023.

8 ACE's summary judgment motion (ECF No. 131) is pending, so a joint pretrial order date is
9 not proposed by this Stipulation.

10 **THE NEED OF ADDITIONAL TIME TO COMPLETE EXPERT DEPOSITIONS.**

11 The parties have been diligently working to complete expert depositions in this matter. ACE
12 has requested, and NTC has agreed, that NTC's experts should be examined before ACE's experts.

13 The parties had previously agreed to a date of the deposition of NTC's expert, Sagalow, in
14 early June. In the meantime, though, counsel for ACE changed law firms. As ACE had not authorized
15 counsel's new firm to take this matter with them by the date of Sagalow's deposition, the deposition
16 had to be cancelled. Counsel for ACE have received authorization to proceed to represent ACE in
17 mid-July. Thereafter, the parties conferred with witnesses and one another, and this stipulation has
18 resulted.

19 Among the other difficulties in scheduling the depositions is a surgery that ACE's expert Kam-
20 Lyew underwent earlier this spring. ACE's expert Heinze has had a busy spring trial and deposition
21 testimony schedule, and his summer schedule is also challenging. Heinze is currently unavailable due
22 to work commitments, including but not limited to a conference he is hosting and international
23 speaking engagements, pre-planned family vacation time, and back-to-back trial testimony, until after
24 September. Heinze has proposed he be deposed during the week of October 9, 2023.

25 Stempel also has a challenging summer schedule of international travel and is not available to
26 give testimony until after mid-September 2023. Sagalow is not available until mid-August 2023.

27 The Parties respectfully request that the Court consider this Report and upon this Stipulation,
28 enter a new DSPO as to the Expert Discovery Cut-Off date of October 27, 2023.

The Parties will continue to monitor the situation and if circumstances require further adjustment, they will advise the Court.

Respectfully submitted,

DATED: July 24, 2023

KENNEDYS CMK LLP

By: /s/ Michael W. Melendez
Michael W. Melendez

LAW OFFICES OF STEVEN J. PARSONS

/s/Steven J. Parsons
Steven J. Parsons

Attorneys for Plaintiff

FIRST AMERICAN TITLE INSURANCE
CO., a Nebraska corporation, as successor in
interest to Nevada Title Company

ORDER

Upon the forgoing STIPULATION, IT IS ORDERED that the deadline for expert discovery and depositions is October 27, 2023.

DATED: 7/25/23



U.S. DISTRICT/MAGISTRATE JUDGE